

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
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In the Claims

Please cancel claims 3 and 4 without prejudice to applicant's right to pursue the subject matter of these claims in this or a subsequent application.

Please amend claims 1 and 49 under the provisions of 37 C.F.R. § 1.121(c). The amended claims are presented below and the amendments to the claims are indicated in the marked-up set of claims in Attachment A hereto.

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1. (2X Amended) An isolated human *ABC1* promoter that directs transcription of a heterologous coding sequence positioned downstream therefrom, wherein the promoter is selected from the group consisting of:

C1

- (a) a promoter comprising nucleotides having the nucleotide sequence shown in SEQ ID NO: 1; and
  - (b) a promoter comprising nucleotides having the nucleotide sequence beginning at bp -469 and ending at bp +101 of SEQ ID NO: 1.
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~~49. (2X Amended) An isolated human *ABC1* gene comprising a promoter, wherein the promoter is selected from the group consisting of:~~

~~C2~~

- ~~(a) a promoter comprising nucleotides having the nucleotide sequence shown in SEQ ID NO: 1; and~~
  - ~~(b) a promoter comprising nucleotides having the nucleotide sequence beginning at bp -469 and ending at bp +101 of SEQ ID NO: 1.~~
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Please add new claims 50 and 51 as follows:

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- Subpart  
C3*
50. (New) An isolated nucleic acid that has the nucleotide sequence beginning at bp -101 and ending at bp -32 of SEQ ID NO: 1.
51. (New) A recombinant expression construct which comprises the nucleic acid according to claim 50.
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